

**To:** StClair, Christie[StClair.Christie@epa.gov]  
**From:** Cavalier, Erin  
**Sent:** Fri 2/12/2016 9:41:14 PM  
**Subject:** RE: News Clips - 2/12/2016

Here are some more clips regarding the Gold King Mine

1. The Daily Caller
2. Indian Country Today Media Network

### **The Daily Caller**

<http://dailycaller.com/2016/02/12/flint-gets-millions-while-gold-king-mine-victims-are-ignored/>

### **Flint Gets Millions, While Gold King Mine Victims Are Ignored**

Ethan Barton – 2/12/16 – 2:23pm

A Native American community that was devastated by a flood of poisoned water released in a man-made pollution crisis is still waiting for compensation from the responsible agency — months after the disaster happened.

But that community isn't Flint, Mich., where President Barack Obama pledged \$80 million in assistance after local, state and federal missteps and inaction caused lead poisoning in an unknown number of homes' water supplies.

It's the Navajo Nation that still waits for reimbursement after the Environmental Protection Agency (EPA) poisoned its drinking water in a disastrous incident at Colorado's Gold King Mine in August 2015. An EPA contractor doing the agency's bidding caused a spill that poisoned the Animas River with three million gallons of toxic waste, turning the river and its tributaries yellow in three states.

"It caused hundreds, maybe thousands of farmers to lose their crops and have their crops affected last season," Navajo Nation President Spokesman Mihio Manus told The Daily Caller News Foundation.

## Indian Country Today Media Network

<http://indiancountrytodaymedianetwork.com/2016/02/12/gold-king-mine-spill-concerns-linger-six-months-later-163394>

### Gold King Mine Spill: Concerns Linger Six Months Later

Six months after the Gold King Mine spill dumped nearly three million gallons of toxins into the Animas River, regulators say the immediate threat has passed and that an abandoned mine survey has “not discovered anything similar” in Arizona.

But environmental and tribal leaders near the spill say the long-term threat remains.

“The contaminants are settled into the soil and in the banks, but the EPA says the water is back to normal,” Navajo Nation President Russell Begaye said. “What happens when there’s a storm or when the snow melts? There’s no assurance that when the water is at a high level the contaminants won’t flow downriver into farmlands.”

The Navajo declared a state of emergency, along with the states of Colorado and New Mexico, after a cleanup crew working for the Environmental Protection Agency accidentally opened a tunnel at the abandoned mine in Silverton, Colorado, on August 5.

The Navajo were directly affected because the Animas runs into the San Juan River, which runs through 215 miles of tribal lands and is a major agricultural resource. The spill also threatened the region’s drinking water, on and off the reservation.

Arizona environmental officials monitored water quality but said at the time that they did not expect the toxins would have a major impact on the state’s waters, hundreds of miles downstream.

“The event was never an emergency crisis for Arizona,” said Trevor Baggione, director of the Arizona Department of Environmental Quality’s Water Quality Division. “We never saw a significant spike in contamination levels, and plan to continue monitoring as we have been.”

Jayson Barangan of the Bureau of Land Management’s Arizona office said his agency is also monitoring mines as a part of the Abandoned Mine Lands program, which he says oversees about 7,000 sites in the state.

“We have not discovered anything similar to the Gold King Mine site,” Barangan said this week. “Most of the state’s abandoned mines are located in sites that have very low precipitation or deep groundwater.”

In a January 15 update on its response, the EPA said it had provided water for the Navajo, their livestock and farms after the spill, and that more “may be provided as

determined appropriate by EPA.” The plan says the remaining clean up and repairs from the spill will cost around \$20 million and continue through November.

But Begaye expressed frustration with the EPA, saying the agency was “not forthright”—something he finds particularly troublesome in light of the response to reports of the lead-tainted water supply in Flint, Michigan.

“The amount of attention being given to Flint by the EPA—in comparison to what’s happening to us – it’s a world of difference,” Begaye said. “The EPA is sending resources to Michigan and almost none to the Navajo Nation.”

Sandy Bahr, the director of the Grand Canyon chapter of the Sierra Club, said that while water quality in the state has improved since the spill, there is still more work to be done to keep another Gold King Mine from happening.

“The EPA is much more engaged now,” Bahr said. “But what hasn’t changed is that we’re still not requiring more regulations on abandoned mines or funding cleanup actions for those mines.”

While the EPA has approved water from the San Juan River as safe for irrigation and agricultural purposes, Begaye said the Navajo are taking a cautious approach as they prepare for the regular May opening of their irrigation system.

He pointed to a recent test by New Mexico’s environmental agency after a heavy monsoon that showed levels of contamination that came close to those immediately after the spill. He said snow melt and heavy rainfall could stir up sediment, and that the Navajo will continue to run their own tests before using the San Juan River again for irrigation.

In the meantime, he said, tribal staff are working on agreements to present to Congress and the EPA regarding compensation for the costs the nation incurred from the spill.

“Whether they like it or not, it’s their responsibility,” Begaye said. “They claimed responsibility for the spill in the Senate hearings, and none of those promises they made have been kept.”

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Thank you so much!!!

**Christie St. Clair**

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## Flynn/Gold King Mine

1. Washington Times
2. Washington Post
3. FOX News
4. Durango Herald

### **Washington Times**

[http://www.washingtontimes.com/news/2016/feb/11/epa-coordinator-knew-of-gold-king-mines-blowout-da/?utm\\_source=RSS\\_Feed&utm\\_medium=RSS](http://www.washingtontimes.com/news/2016/feb/11/epa-coordinator-knew-of-gold-king-mines-blowout-da/?utm_source=RSS_Feed&utm_medium=RSS)

### **EPA coordinator knew of Gold King Mine's blowout danger, email reveals**

Didn't check to see how much water behind plug

By Valerie Richardson - The Washington Times - Thursday, February 11, 2016

An internal email unearthed by House Republicans shows that the Environmental Protection Agency on-site coordinator knew that there was "a lot of water" behind the plug at the Gold King Mine — but didn't check to see how much before removing loose dirt.

"I personally knew it could be holding back a lot of water, and I believe the others in the group knew as well," said EPA on-site coordinator Hays Griswold in an Oct. 28 email.

The result was the Animas River spill, an ecological and public-relations nightmare that sent 3 million gallons of contaminated orange wastewater into Colorado, New Mexico and Utah.

In a report released Thursday, the House Natural Resources Committee detailed a series of EPA missteps that led to the Aug. 5 accident, including erroneous assumptions about the location of the waste, a lack of communication between the on-site coordinators, and the head-scratching decision not to check the mine for water pressure.

"Neither EPA nor [the Interior Department] has offered a substantive explanation of EPA's decision to forego hydrostatic testing — a precautionary measure which, if it had been conducted, could have revealed that the mine was pressurized and prevented the blowout," the 73-page report said.

"In fact, the agencies have not even provided documentation that EPA actually considered testing the pressure prior to beginning work," said the report.

The report, prepared by the Republican-led majority staff, also accuses the EPA and Interior of deliberately concealing information from the committee. For example, the Oct. 28 email by Mr. Griswold was not included in the EPA's December addendum to the committee.

EPA spokeswoman Nancy Grantham said in a statement Thursday, "We're going to take a look at the report and will respond appropriately."

Reaction from Colorado Republicans was swift. Rep. Scott Tipton, who represents the southwest Colorado region where the spill occurred, said the report shows the EPA "deliberately misled the public."

"The EPA has been caught deliberately deceiving the public in order to cover up the fact that it was aware of the risks at the Gold King Mine and yet did nothing, leading to the disaster. This is an outrage that cannot go unpunished," said Mr. Tipton in a statement.

"There must be severe consequences for those involved in the deception and those who were aware of the dangers at the Gold King Mine and were willfully negligent," he said.

Former Colorado state Rep. Jon Keyser, who's seeking the Republican U.S. Senate nomination, said it was "criminal that the EPA knew the possibility of a tragic spill existed, failed to take the proper precautions, then caused the tragedy at Gold King Mine."

The report also faulted the post-spill analyses undertaken by the Obama administration, saying the EPA internal review and Interior Department technical review "offer shifting accounts of the events leading up to the spill and contain numerous errors, omissions, and inconsistencies."

Some of those "are not attributable to error or incompetence alone," said the report's executive summary.

EPA administrator Gina McCarthy has apologized on behalf of the agency for the spill and pledged to clean up the resulting contamination, while other officials have pointed out that the agency was attempting to clean up a mess it did not create.

At a Dec. 9 committee hearing, Interior Secretary Sally Jewell insisted the EPA had been held accountable, although she admitted that nobody had been fired or demoted over the spill. She also said she did not know who made the decision to clear the debris without testing the water level.

The House committee's Democrats have called for additional funding to facilitate the clean-up of thousands of leaking and abandoned mines, some left over from the Gold Rush days, that pepper the West.

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## Washington Post

[https://www.washingtonpost.com/national/apnewsbreak-report-says-epa-knew-mine-spill-was-possible/2016/02/11/f2785d18-d0df-11e5-90d3-34c2c42653ac\\_story.html](https://www.washingtonpost.com/national/apnewsbreak-report-says-epa-knew-mine-spill-was-possible/2016/02/11/f2785d18-d0df-11e5-90d3-34c2c42653ac_story.html)

### House report details EPA missteps in Colorado mine spill

By Matthew Brown and Dan Elliott | AP February 11 at 4:07 PM

DENVER — A probe of a mine waste accident in Colorado that fouled rivers in three states with arsenic, lead and other toxic substances has found further evidence that government workers knew a spill from the gold mine was possible, according to documents released Thursday by a U.S. House committee.

Hays Griswold, a U.S. Environmental Protection agency official in charge of the Gold King mine at the time of the August accident, said in an email that he “personally knew” the plugged, inactive mine could contain large volumes of water.

The email was sent Oct. 28 to other EPA officials. It was obtained Thursday by The Associated Press as the House Natural Resources Committee released the findings of its Republican-led probe.

An EPA cleanup crew triggered the spill during excavation work at the mine’s entrance, unleashing a 3 million-gallon deluge that contaminated rivers in Colorado, New Mexico and Utah and highlighted the dangers posed by tens of thousands of abandoned mines across the U.S.

The Colorado release dumped more than 880,000 pounds of heavy metals into Colorado’s Animas River, forcing the closure of downstream public water systems until the plume passed and raising concerns about long-term environmental impacts.

“I personally knew it could be holding back a lot of water, and I believe the others in the group knew as well,” Griswold wrote in the email.

EPA spokeswoman Nancy Grantham said the agency was reviewing the House committee’s findings and had no further comment at this time.

The committee’s ranking Democrat, Rep. Raul Grijalva of Arizona, said Republicans were using the EPA’s role in the accident to shift responsibility away from the mining industry for toxic mines that have been abandoned by owners.

The spill occurred when workers for EPA and its contractor, Environmental Restoration LLC, started excavation work that was intended to allow them to safely drain the mine.

An Interior Department investigation pinned responsibility on the EPA for not checking to see if the mine held pressurized water. EPA officials previously said workers on site determined there was no or low pressure from water backed up inside the mine.

The email from Griswold suggests that the determination of low water pressure was based in part on mistaken assumptions about the location of the top of the mine's buried entrance, known in mining as the brow.

The excavation work was intended to clear away debris blocking the entrance before the mine was to be drained at a later date, he wrote.

"We and or I particularly thought we were four or maybe five feet above the brow," Griswold wrote. "However, as it turned out we inadvertently got to probably within a foot or two of the brow. That proved to be too close when rock at the exposed face crumbled out, providing an outlet for the water."

Griswold's email also raised new questions about the accuracy of the investigation by the Interior Department's Bureau of Reclamation, which examined the causes of the spill. The email used such terms as "patently false" and "mischaracterization of the facts" to describe parts of the report.

Griswold wrote that a Reclamation report, released in October, incorrectly described what his crew was trying to do at the mine, and that it understated how much water Griswold thought was inside.

Griswold also wrote that bureau officials took soil samples from the wrong material at the mine site when they were investigating the spill, and that a bureau official "slept through my interview and presentation" about the incident.

Colorado officials have also disputed key parts of the report.

Natural Resources Committee Chairman Rob Bishop of Utah said federal officials still have not turned over some information on Gold King requested by his committee, and the government appeared to be engaged in a "pattern of deception" about events surrounding the spill.

Reclamation spokesman Dan DuBray said Thursday the agency stands behind its report on the accident.

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**FOX News**



<http://www.foxnews.com/us/2016/02/11/locals-fume-as-epa-reveals-gold-king-mine-spill-much-worse-than-initially-stated.html>

## **Locals fume as EPA reveals Gold King mine spill much worse than initially stated**

By Perry Chiaramonte

Published February 11, 2016

[FoxNews.com](http://www.foxnews.com)

advertisement

The disclosure that the Environmental Protection Agency's toxic spill at an old gold mine in Colorado was far worse than previously stated has unleashed a flood of anger at the agency, which was already facing numerous lawsuits from states and individuals along the affected waterways.

On Thursday, the House Committee on Natural Resources released a damning report on the EPA and its handling of the Gold King Mine disaster last August. The report detailed how the EPA and the Department of the Interior were inaccurate and misleading in their conflicting accounts of the wastewater spill, which the EPA said last week released 880,000 pounds of toxic metals.

"When government actions result in harm, it's our duty to know who was responsible and why decisions failed. They haven't been forthcoming in this regard," Committee Chairman Rob Bishop, R-Utah, said in a released statement. "This report peels back one more layer in what many increasingly view as a pattern of deception on the part of EPA and DOI.

"Once the color returned to normal [in the rivers], there were those in the EPA that were hoping that this would be swept under the rug."

- Secretary Ryan Flynn, New Mexico Environmental Department

"The agencies continue to withhold information requested by the Committee," Bishop's statement continued. "They need to come clean and produce the missing documents."

The committee's findings support recent claims made by New Mexico Environment Secretary Ryan Flynn, who recently asked members of the House agriculture committee to get behind a proposal that calls for a long-term water monitoring plan. Flynn also said before the committee that federal officials are downplaying the effects of the spill.

"The EPA is saying one thing and their own experts say another," Flynn told

FoxNews.com. "Once the color returned to normal [in the rivers], there were those in the EPA that were hoping that this would be swept under the rug."

New Mexico last month announced its intent to sue the EPA over the spill, in which agency contract workers caused a massive release of toxic wastewater into the Animas while attempting to mitigate pollutants from the shuttered mine.

Some of the metals in the wastewater reached the San Juan River, which the Animas joins in New Mexico, but most settled into the Animas riverbed before that, the EPA said in a preliminary report on the metals.

Utah officials have said some contaminants reached their state, but Friday's report didn't address that.

Metals released in the spill are believed to include cadmium, copper, lead, mercury, nickel and zinc. Tests done after the spill also found arsenic and lead in the wastewater.

Flynn and others in the Land of Enchantment are concerned about metal levels in the Animas River in the northern part of the state that shares its border with Colorado. The region's watershed is connected to the Gold King site in Silverton, but New Mexico has more residents living along the Animas, which is used for crops through irrigation ditches, ranching, and even for home use by residents.

"This river literally feeds us and helps the economy in this region," Flynn says.

Flynn said field-level EPA officials have been helpful, but said "something gets lost in translation once it gets to the leadership level. They would be happy to see this just all go away."

When reached for comment regarding the matter, EPA spokeswoman Nancy Grantham said in a written statement: "We're going to take a look at the report and will respond appropriately."

The EPA says it won't consider the site for Superfund status without the support of state and local officials.

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## **Durango Herald**

<http://www.durangoherald.com/article/20160211/NEWS01/160219927/0/News01/EPA-says-it-knew-of-Gold-King-danger>

## **EPA says it knew of Gold King danger**

By Peter Marcus, Herald staff writer

DENVER – Documents released Thursday stemming from a congressional investigation into the Gold King Mine spill offer further evidence that federal officials were aware of the potential for a blowout and may have deceived the public following the catastrophe.

But an Environmental Protection Agency employee who led efforts at the mine said having knowledge of the blowout offers evidence that EPA officials were taking precautions to avoid the incident.

The U.S. House Committee on Natural Resources issued the 73-page report. It included an email from Hays Griswold, the EPA employee who led restoration efforts at Gold King, when a massive release of about 3 million gallons of orange mining sludge poured into the Animas River and other waters on Aug. 5.

Water initially tested for spikes in heavy metals, including lead, arsenic, cadmium, aluminum and copper.

"I personally knew it could be holding back a lot of water and I believe the others in the group knew as well," Griswold wrote in an Oct. 28, 2015, email released by the committee. "This is why I was approaching this adit as if it were full."

Griswold goes on to say that he was aware of "some pressure" behind the blockage.

He took issue with an Oct. 22, 2015, independent 132-page report by the Bureau of Reclamation which said the EPA team should have drilled into the mine from above in order to determine the level of the mine pool.

"It was incorrectly concluded that the water level inside the mine was at a similar elevation, a few feet below the top of the adit roof. This error resulted in development of a plan to open the mine in a manner that appeared to guard against blowout but instead led directly to the failure," the report by the Bureau of Reclamation stated at the time.

But the email from Griswold – which was sent to fellow EPA employees – highlights a divide between the independent report's account and that of the EPA.

"The BOR report indicates that we had no knowledge of this – it is incorrect," wrote Griswold, a geological engineer with 12 years experience in the mining industry and 28 years of EPA experience on mining site response work.

"Contrary to statements made in the BOR report, there was never any discussion or decision made by the group or myself independently to actually open the mine adit in any way shape or form (from top down or directly in)," Griswold states repeatedly in the email.

"I was approaching the adit on the assumption that it was full," he added. "The BOR report incorrectly reports that we were not aware of the characteristics of the blockage."

“Perhaps the author would have got these details correctly (sic) had he not slept through my interview and presentation,” Griswold emphasized.

On Aug. 6, 2015, Griswold told The Durango Herald that the EPA planned to clear the dirt blocking the tunnel to install a pipe to pump out the contaminated water in the mine. Around the same time, Griswold told the Denver Post “nobody expected (the acid water backed up in the mine) to be that high.”

Both those statements appear to contradict the comments he made to fellow EPA employees.

Griswold went on in the email to state that the “fatal flaw” was that the top of the adit turned out to be at least two times the height above the floor, more than was expected.

“As it turned out, we inadvertently got to probably within a foot or two of the brow,” Griswold said. “That proved to be too close when rock at the exposed face crumbled out providing an outlet for the water within.”

The contradictory account is not the first time issues have been raised with the Bureau of Reclamation’s investigation. The Colorado Department of Natural Resources disagrees with the bureau’s assertion that mining experts from the state backed a plan to reopen the adit.

A spokesman for the Bureau of Reclamation responded: “Reclamation and its Technical Service Center stand behind our peer-reviewed report.”

An EPA spokeswoman said the agency was reviewing the report released Thursday.

Meanwhile, Republicans say the recent findings underscore “inaccurate and misleading accounts” by both the EPA and Reclamation, a bureau within the Interior Department.

“The EPA has been caught deliberately deceiving the public in order to cover up the fact that it was aware of the risks at the Gold King Mine and yet did nothing leading to the disaster,” said U.S. Rep. Scott Tipton of Cortez. “This is an outrage that cannot go unpunished.

“There must be severe consequences for those involved in the deception and those who were aware of the dangers at the Gold King Mine and were willfully negligent,” Tipton continued. “The EPA’s statements on how this disaster happened and who was responsible cannot be trusted.”

## Race Cars

1. Jalopnik
2. FOX News
3. FOX Sports

<http://jalopnik.com/what-happened-to-motor-trends-story-on-the-sema-vs-epa-1758599661>

## What Happened to *Motor Trend's* Story on SEMA vs. EPA Debacle?

*Motor Trend*, a wholly-owned subsidiary of Dodge, wasn't the only publication to weigh in on SEMA's wild-but-plausible allegations against the Environmental Protection Agency's "clarifying" that it can regulate track car emissions. We covered it, lots of outlets covered it, so did they. But so far *MT* is the only publication to have their story on the subject disappear after it was published. Both Reddit's r/cars and the *Truth About Cars* this afternoon pointed out that a *Motor Trend* article about this topic—one that downplayed the idea of the aftermarket parts barons at SEMA being altruistic about this issue and instead called them "paranoid and reactionary, shooting from the hip"—is now gone. Disappeared. Vanished from the face of the Internet.

"Oops! That page can't be found," the page now says. How mysterious!

But despite being a print outlet, surely *MT* must know that nothing on the Internet really goes away forever, and thanks to one Reddit user it can be read in full on this Google cached page

Here are some relevant excerpts from *Motor Trend's* story:

*Make no mistake: This issue is complicated. The rule the EPA is proposing to change is somewhat vague and contradictory, as are the EPA's proposed changes and its motivation for doing so. A degree in public policy is required to untangle all the legalese. SEMA, meanwhile, is being paranoid and reactionary, shooting from the hip and making a mountain out of a molehill. Neither side can claim much of a moral high ground here.*

*[...] As car and racing enthusiasts, we should care about this controversy because it indirectly affects us. If the EPA's intent is to eventually crack down on race car emissions, it will have a major effect on the motorsports we enjoy and participate in as well as the companies we buy performance parts from. The evidence, however, doesn't yet support that conclusion, and SEMA has done us all a serious disservice by crying wolf. SEMA's kneejerk reaction hurts its credibility and exposes it (again) as the lobbying firm it is as much as it actually informs us all of important regulatory activity. The government is not coming for your race car, and it's disingenuous and manipulative for SEMA to suggest so. What's worse, it's created a false controversy that will cloud the important discussion to be had about the actual regulation.*

They're not wrong! The magazine is right to call the issue complicated; it certainly is, which is why the hot takes from various news outlets have been all over the place (and why writers and readers alike have had such a hard time wrapping their heads around what's going on.)

And *MT*'s actually right here to comment on SEMA's true motivations: they lobby on behalf of and represent the parts business, which could be impacted if the EPA really starts regulating parts for your race car. We have said the same thing in our stories! *MT*'s article is, however, a lot more trusting of the EPA's stance and dependent an assumption that no enforcement will occur than I have been. Fine. Agree to disagree.

The story doesn't matter anyway because it is now gone.

Advertisement

It's not clear why the article vanished, whether it was pulled down intentionally or otherwise. I emailed *Motor Trend* editor Ed Loh to ask, but he hasn't gotten back to me.

Naturally, some are raising the question: could *Motor Trend* have buckled under some sort of external pressure? In the car magazine business, where keeping automakers and sources and advertisers happy is often Job No. 1, stuff like that is certainly not unprecedented. Or maybe the editors decided to pull it for some other unknown reason.

We do not know!

TTAC's Jack Baruth demanded *Motor Trend* "either re-publish the editorial or to formally retract it, with apologies to SEMA." If nothing else, the magazine would be best served to simply be more honest and transparent with its readers.

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## FOX News

<http://www.foxnews.com/leisure/2016/02/11/white-house-to-pipe-in-on-epa-race-car-emissions-rules/>

## White House to pipe in on EPA race car emissions rules

Published February 11, 2016

| [FoxNews.com](http://FoxNews.com)

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Car racers are fast.

The Specialty Equipment Market Association (SEMA) launched a [WhiteHouse.gov petition](#) on February 9th in response to new EPA regulations it says could ban the practice of removing emissions control equipment from street cars to turn them into race cars. SEMA represents the aftermarket parts industry.

Just two days later it had well more than the 100,000 signatures required to get an official response from the Obama administration.

At issue is a section in an [EPA rules proposal](#) that mainly covers greenhouse gas emissions in medium and heavy duty vehicles that reads:

“Certified motor vehicles and motor vehicle engines and their emission control devices must remain in their certified configuration even if they are used solely for competition or if they become non-road vehicles or engines.”

The EPA maintains that this has always been its position, and that the new regulation is merely a clarification.

After the topic caught fire online among the auto racing community, however, an EPA spokeswoman told [RoadandTrack.com](#) that the agency “remains primarily concerned with cases where the tampered vehicle is used on public roads, and more specifically with aftermarket manufacturers who sell devices that defeat emission control systems on vehicles used on public roads.”

But while this comment appears to reduce the threat of EPA officials showing up at your local drag strip to round up offending cars, the petition, which asks President Obama to order the removal of the provision, still must be responded to in a “timely fashion.”

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## **FOX Sports**

<http://www.foxsports.com/motor/story/epa-road-car-racecar-conversions-020916>

## **EPA clarifies stance on road-to-racecar conversions**

By Mark GlendenningRACER.com Feb 9, 2016 at 5:07p ET

525shares

The Environmental Protection Agency has issued a clarification in response to claims that it is proposing a ban on converting road vehicles into race cars.

The Specialty Equipment Market Association (SEMA) issued a statement on Monday indicating its intention to fight an EPA proposal to change the wording to the Clean Air Act as it applies to the installation of aftermarket parts that might circumvent stock emission-control devices. But in a separate statement released to the media today, the EPA said that the proposed change is merely intended to clean up the wording of an existing law:

"People may use EPA-certified motor vehicles for competition, but to protect public health from air pollution, the Clean Air Act has – since its inception – specifically prohibited tampering with or defeating the emission control systems on those vehicles," the agency said in its statement.

"The proposed regulation that SEMA has commented on does not change this long-standing law, or approach. Instead, the proposed language in the Heavy-Duty Greenhouse Gas rulemaking simply clarifies the distinction between motor vehicles and nonroad vehicles such as dirt bikes and snowmobiles. Unlike motor vehicles – which include cars, light trucks, and highway motorcycles – nonroad vehicles may, under certain circumstances, be modified for use in competitive events in ways that would otherwise be prohibited by the Clean Air Act.

"EPA is now reviewing public comments on this proposal."

There is no wording in the proposal to outline how the rule might be policed and breaches penalized, and RACER is awaiting additional details regarding what sort of vehicles or circumstances might be eligible for exemption. Current modified-production racing takes place under the existing wording of the rules without any EPA intervention.

Even so, the reworded law – if passed – will not go into effect until 2018, and will not be retroactive. Consequently, current race-modified production cars appear unlikely to be affected either way.

**Erin Cavalier**

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**Subject:** RE: News Clips - 2/12/2016

Thanks, Erin. Could you please re-send with the full text of each story?

**Christie St. Clair**

Office of Public Affairs

Environmental Protection Agency

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**Subject:** News Clips - 2/12/2016

Christie,

Here are the news clips on Flynn/Gold King Mine and race cars.

#### Flynn/Gold King Mine

1. Washington Times
2. Washington Post
3. FOX News
4. Durango Herald

1. Washington Times

EPA coordinator knew of Gold King Mine's blowout danger, email reveals

[http://www.washingtontimes.com/news/2016/feb/11/epa-coordinator-knew-of-gold-king-mines-blowout-da/?utm\\_source=RSS\\_Feed&utm\\_medium=RSS](http://www.washingtontimes.com/news/2016/feb/11/epa-coordinator-knew-of-gold-king-mines-blowout-da/?utm_source=RSS_Feed&utm_medium=RSS)

An internal email unearthed by House Republicans shows that the Environmental Protection Agency on-site coordinator knew that there was "a lot of water" behind the plug at the Gold King Mine — but didn't check to see how much before removing loose dirt.

2. Washington Post

House report details EPA missteps in Colorado mine spill

[https://www.washingtonpost.com/national/apnewsbreak-report-says-epa-knew-mine-spill-was-possible/2016/02/11/f2785d18-d0df-11e5-90d3-34c2c42653ac\\_story.html](https://www.washingtonpost.com/national/apnewsbreak-report-says-epa-knew-mine-spill-was-possible/2016/02/11/f2785d18-d0df-11e5-90d3-34c2c42653ac_story.html)

DENVER — A probe of a mine waste accident in Colorado that fouled rivers in three states with arsenic, lead and other toxic substances has found further evidence that government workers knew a spill from the gold mine was possible, according to documents released Thursday by a U.S. House committee.

3. FOX News

Locals fume as EPA reveals Gold King mine spill much worse than initially stated

<http://www.foxnews.com/us/2016/02/11/locals-fume-as-epa-reveals-gold-king-mine-spill-much-worse-than-initially-stated.html>

The disclosure that the Environmental Protection Agency's toxic spill at an old gold mine in Colorado was far worse than previously stated has unleashed a flood of anger at the agency, which was already facing numerous lawsuits from states and individuals along the affected waterways.

#### 4. Durango Herald

EPA says it knew of Gold King danger

<http://www.durangoherald.com/article/20160211/NEWS01/160219927/0/News01/EPA-says-it-knew-of-Gold-King-danger>

DENVER – Documents released Thursday stemming from a congressional investigation into the Gold King Mine spill offer further evidence that federal officials were aware of the potential for a blowout and may have deceived the public following the catastrophe.

#### Race Cars

1. Jalopnik
2. FOX News
3. FOX Sports

1. Jalopnik

What Happened to *Motor Trend's* Story on SEMA vs. EPA Debacle?

<http://jalopnik.com/what-happened-to-motor-trends-story-on-the-sema-vs-epa-1758599661>

*Motor Trend*, a wholly-owned subsidiary of Dodge, wasn't the only publication to weigh

in on SEMA's wild-but-plausible allegations against the Environmental Protection Agency's "clarifying" that it can regulate track car emissions. We covered it, lots of outlets covered it, so did they. But so far *MT* is the only publication to have their story on the subject disappear after it was published.

## 2. FOX News

White House to pipe in on EPA race car emissions rules

<http://www.foxnews.com/leisure/2016/02/11/white-house-to-pipe-in-on-epa-race-car-emissions-rules/>

Cars race fast. The Specialty Equipment Market Association (SEMA) launched a WhiteHouse.gov petition on February 9<sup>th</sup> in response to new EPA regulations it says could ban the practice of removing emissions control equipment from street cars to turn them into race cars. SEMA represents the aftermarket parts industry.

## 3. FOX Sports

EPA clarifies stance on road-to-racecar conversions

<http://www.foxsports.com/motor/story/epa-road-car-racecar-conversions-020916>

The Environmental Protection Agency has issued a clarification in response to claims that it is proposing a ban on converting road vehicles into race cars.

Let me know if you need anything else.

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